THE HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18188 of 2005

Dated: 17-08-2005

Between:-

Ashi Bikshpathi s/o Ashi Narasimha, aged about 33 years, occ: Agriculture,

R/o Prashanthinagar colony, Nizampet village, Qutubullapur mandal, Ranga Reddy District and 3 others.

…PETITIONERS

And

The District Collector, Ranga Reddy District

And another.

..RESPONDENTS

O R D E R

This writ petition is filed by the petitioner for issuance of writ of Certiorari calling for records in 4 notices No. A/8090/2005, all are dated 04.07.2005 on the file of 2nd respondent and to quash the same.

The case of the petitioners is that the petitioners are the absolute

owners and possessors of the petition schedule lands in Survey No. 87/A, 87/B, 87/C, 87/D, all are admeasuring 0.28 gts. each situated at Nizampet village, Qutubullapur village, Ranga Reddy District and they have acquired the same by virtue of inheritance from their ancestors and they are lawful owners of the same. While so, the 2nd respondent issued 4 notices No. A/8090/2005, all are dated 04.07.2005 in Form No.1 under Rules 3 of A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977 stating that they were found to have the assigned lands in contravention of the provisions of Sub-Section 2 of Sec. 3 of the Act and directed them to show cause within 15 days of receipt of the said notices as to why they should not be summarily evicted from the lands. On receipt of the said notices, the petitioners have submitted a representation on 28.07.2005 stating that they are in continuous possession and enjoyment of the said lands since last 30 years. The petitioners assert that 2nd respondent without following the procedure laid down under the Act is trying to evict them in collusion with the land grabbers illegally. Hence, the petitioners came up with the present writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The petitioners, replying the impugned notices, submitted their explanation/representation dated 28.07.2005, raising the grounds that they have purchased the lands for valuable consideration and are in possession and enjoyment of the same since more than 30 years and that except the said avocation there is no other source of income to eke out their livelihood and the said representation is pending for consideration. The contention of the petitioners that pending consideration of the final orders in response to the show cause notices dated 04.07.2005, the respondents are interfering with their peaceful possession and enjoyment of the petition schedule lands which were assigned way back in the year 1970. But whereas it is alleged by the respondents that the petitioners came into possession of the lands in violation of Assigned Conditions.

Considering the facts and circumstances of the case, I deem it appropriate to dispose of this writ petition, at the admission stage, directing the 2nd respondent to dispose of the representation, dated 28.07.2005, submitted by the petitioners and pass appropriate orders in accordance with law after giving opportunity to the petitioners within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to evict/dispossess the petitioners from the schedule lands in Survey Nos. 87/A, 87/B, 87/C, 87/D, all are admeasuring Ac. 0.28 gts. each, situated at Nizampet village, Qutubullapur village, Ranga Reddy District.

The writ petition is, accordingly, disposed of. No order as to costs.

E. DHARMA RAO, J

17th August, 2005

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